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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-777

13 **ALICIA D. ANN EGGOLD**
A.K.A. ALICIA EGGOLD
A.K.A. ALICIA D. McCHRISTIAN
A.K.A. ALICIA D. ODOM
A.K.A. ALICIA D ANN WHITE
A.K.A. ALICIA D. WHITE
15 2601 Hilltop Drive, #921
16 Richmond, CA 94806

A C C U S A T I O N

17 **Registered Nurse License No. 405205**

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about August 31, 1986, the Board of Registered Nursing issued Registered
26 Nurse License Number 405205 to Alicia D. Ann Eggold, also known as Alicia Eggold, Alicia D.
27 McChristian, Alicia D. Odom, Alicia D. Ann White, and Alicia D. White, (Respondent). The
28

1 Registered Nurse License was in full force and effect at all times relevant to the charges brought
2 in this Accusation and will expire on May 31, 2014, unless renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 4. Section 2750 of the Business and Professions Code (Code) provides, in relevant part,
8 that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
12 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
13 disciplinary action during the period within which the license may be renewed, restored, reissued
14 or reinstated.

15 6. Section 2764 of the Code provides, in relevant part, that the expiration of a license
16 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
17 licensee or to render a decision imposing discipline on the license. Under section 2811,
18 subdivision (b), of the Code, the Board may renew an expired license at any time within eight
19 years after the expiration.

20 STATUTORY PROVISIONS

21 7. Section 2761 of the Code states, in relevant part:

22 "The board may take disciplinary action against a certified or licensed nurse or deny an
23 application for a certificate or license for any of the following:

24 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

25 ...

26 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
27 functions, and duties of a registered nurse, in which event the record of the conviction shall be
28 conclusive evidence thereof."

1 8. Section 2762 of the Code states, in relevant part, that "[i]n addition to other acts
2 constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act],
3 it is unprofessional conduct for a person licensed under this chapter to do any of the following:

4 ...

5 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
6 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
7 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
8 himself or herself, any other person, or the public or to the extent that such use impairs his or her
9 ability to conduct with safety to the public the practice authorized by his or her license."

10 **COST RECOVERY**

11 9. Section 125.3 provides, in relevant part:

12 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
13 proceeding before any board within the department . . . , upon request of the entity bringing the
14 proceedings, the administrative law judge may direct a licentiate found to have committed a
15 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
16 investigation and enforcement of the case.

17 ...

18 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
19 of investigation and enforcement of a case in any stipulated settlement."

20 **FIRST CAUSE FOR DISCIPLINARY ACTION**

21 (Unprofessional Conduct)
22 (Bus. & Prof. Code §2761, subd. (a))

23 10. Respondent has subjected her Registered Nurse License to disciplinary action for
24 unprofessional conduct under Code section 2761, subdivision (a). The circumstances are as
25 follows:

26 a. On June 1, 2012, at 11:40 p.m. in Albany, California, Respondent entered a fully
27 marked Albany Police Department (APD) vehicle, mistakenly thinking it was a taxi. The APD
28 vehicle was occupied by an APD officer who contacted another APD officer to respond to the
 scene. The responding APD officer immediately identified Respondent because that officer had

1 dealt with her on previous occasions when she was extremely intoxicated. Before entering the
2 APD vehicle, Respondent had purchased additional alcoholic beverages from a liquor store.
3 While still seated in the APD vehicle, Respondent agreed to submit to a Preliminary Alcohol
4 Screening (PAS) test. The results of the PAS test showed that Respondent's blood alcohol
5 content (BAC) was .371 percent. Respondent was arrested for disorderly conduct and public
6 intoxication because it was clear to the APD officers that she was too intoxicated to properly care
7 for herself.

8 **SECOND CAUSE FOR DISCIPLINARY ACTION**

(Unprofessional Conduct)
9 (Bus. & Prof. Code §2761, subd. (a))

10 11. Respondent has subjected her Registered Nurse License to disciplinary action for
11 unprofessional conduct under Code section 2761, subdivision (a). The circumstances are as
12 follows:

13 a. On October 15, 2009, in Albany, California, an Albany Police Department (APD)
14 officer responded to a call of a verbal dispute involving two females. Once at the scene, the APD
15 officer contacted Respondent, who had been involved in a heated verbal dispute with the teenage
16 daughter of L. W.¹ According to the parties, the APD officer determined that the argument was
17 regarding Respondent's consumption of alcohol. After speaking with the parties, the APD officer
18 advised Respondent that she needed to leave the property. Respondent was reluctant to do so,
19 and appeared to be too intoxicated to drive. While speaking with Respondent, the APD officer
20 detected a strong odor of an alcoholic beverage coming from her person. Respondent was
21 arrested for public intoxication. At the time she was arrested, the APD officer was concerned that
22 Respondent would continue her argument with the teenager, or that she may attempt to drive from
23 the location.

24 b. Respondent was transported to the APD station without incident. Upon Respondent's
25 arrival there, the APD officer again explained various options to her, and advised her that she
26 would be released from APD custody and provided a courtesy ride to her residence. The APD
27

28 ¹ The victim's father will be referred to by initials in order to preserve confidentiality.

1 officer also told Respondent that if she returned to L. W.'s residence, she would be arrested and
2 taken to jail. Respondent was released from APD custody pursuant to Penal Code section 849,
3 subdivision (b)(2).

4 **THIRD CAUSE FOR DISCIPLINARY ACTION**

(Use of Alcohol to a Dangerous Extent)
(Bus. & Prof. Code § 2762(b))

6 12. The allegations of paragraphs 10 and 11 are hereby re-alleged and incorporated by
7 reference as if fully set forth.

8 13. Respondent has subjected her registered nurse license to disciplinary action under
9 Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code
10 section 2762, subdivision (b). Specifically, on June 1, 2012, and on October 15, 2009,
11 Respondent used, and was under the influence of, alcoholic beverages to an extent dangerous or
12 injurious to herself, another person, or the public, as set forth in paragraphs 10 and 11, above.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
15 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License No. 405205, issued to Alicia D.
17 Ann Eggold (Respondent);

18 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
19 the investigation and enforcement of this case, under Business and Professions Code section
20 125.3; and

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: March 18, 2013

23 *for* *Louise R. Bailey*
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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